

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

B.D. COOKE & PARTNERS LIMITED, AS  
ASSIGNEE OF CITIZENS CASUALTY COMPANY  
OF NEW YORK (IN LIQUIDATION),

Plaintiff,

-against-

CERTAIN UNDERWRITERS AT LLOYD'S,  
LONDON,

Defendants.

Civil Action No. 08-CIV-3435 (RJH)

**ELECTRONICALLY FILED**

**AFFIDAVIT OF ANNE E. LINDER  
IN SUPPORT OF PROOF OF  
SERVICE OF PROCESS**

**DISTRICT OF COLUMBIA** ss.:

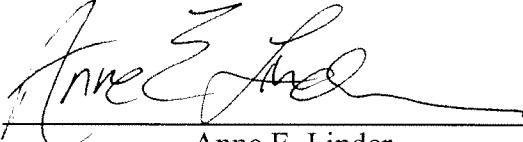
**ANNE E. LINDER**, being duly sworn, deposes and says:

1. I am an associate with the law firm of Chadbourne & Parke LLP, attorneys for plaintiff B.D. Cooke & Partners Limited ("B.D. Cooke"). The facts set forth below are either based upon my personal knowledge or documents of record.
2. I make this affidavit in support of proof of service of process.
3. Attached to this affidavit as Exhibit 1 are true and correct copies of two witness statements attesting that David Llewelyn Morgan, process server, served the summons and complaint on March 17, 2008. Service was made before Defendants removed the action to

of service with that court, together with a letter dated March 20, 2008 from counsel to Underwriters in which Underwriters "without conceding that they have been properly served — accept service with the understanding" that B.D. Cooke would agree to an extension of Underwriters' time to answer or move, which letter was countersigned on or about April 7, 2008. A true and correct copy of that letter is attached to this affidavit as Exhibit 2.

5. After removal was effected, the Central Authority of England and Wales provided its Hague Convention certificates.

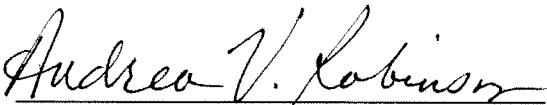
6. Attached to this affidavit as Exhibit 3 is a true and correct copy of the Hague Convention certificates from the Central Authority of England and Wales.



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Anne E. Linder

Sworn to before me this  
7 day of May, 2008.

  
\_\_\_\_\_  
Notary Public

**Andrea V. Robinson  
Notary Public District of Columbia  
My Commission Expires**

*November 14, 2014*

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

B.D. COOKE & PARTNERS LIMITED, as  
Assignee of Citizens Casualty Company of  
New York (in liquidation),

Index No. 650054/2008

Plaintiff(s),

*-against-*

CERTAIN UNDERWRITERS AT LLOYD'S,  
LONDON,

Defendant(s).

**Witness Statement of Service in accordance with sub paragraph (b)  
of the first paragraph of article 5, Hague Convention  
on the Service Abroad of Judicial and  
Extrajudicial Documents in Civil or Commercial Matters**

I, DAVID LLEWELYN MORGAN, Process Server, of 4 Church Lane, Great Gonerby, Grantham, NG31 8JU, England, say as follows:

1. In the matters detailed below I was acting as agent for Graham Henry Bridgman a Solicitor of the Supreme Court of England and Wales who was in turn acting at the direction of the Central Authority of England and Wales.
2. On Monday the 17<sup>th</sup> day of March 2008 before 1700 hours I served "Certain Underwriters at Lloyd's, London, c/o Equitas Limited", the Defendant herein, with the Summons, the Verified Complaint with Exhibit A and the Notice regarding availability of Electronic Filing, together with the Hague Convention Summary of the Document to be Served and its Attachment 'A' and the Hague Convention Notice, by handing them to and leaving them with Stephen Britt, who acknowledged himself to be Company Secretary for Equitas Limited, at 33 St Mary Axe, London, EC3A 8LL, England, being its registered office, which is a method of service in accordance with English Court rules.
3. Exhibited hereto marked "A" is a bundle containing a copy of each of the documents so served by me.
4. Service has been effected, as directed by the requesting authority, in accordance with a method prescribed by the internal law of England and Wales and thus in accordance with sub paragraph (b) of the first paragraph of article 5, Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

I believe that the facts stated in this witness statement are true

Dated: 18 March 2008

Signed:

DAVID LLEWELYN MORGAN

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

B.D. COOKE & PARTNERS LIMITED, as  
Assignee of Citizens Casualty Company of  
New York (in liquidation).

Index No. 650054/2008

Plaintiff(s),

-against-

CERTAIN UNDERWRITERS AT LLOYD'S,  
LONDON,

Defendant(s).

**Witness Statement of Service in accordance with sub paragraph (b)  
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I, DAVID LLEWELYN MORGAN, Process Server, of 4 Church Lane, Great Gonerby,  
Grantham, NG31 8JU, England, say as follows:

1. In the matters detailed below I was acting as agent for Graham Henry Bridgman a Solicitor of the Supreme Court of England and Wales who was in turn acting at the direction of the Central Authority of England and Wales.
2. On Monday the 17<sup>th</sup> day of March 2008 before 1700 hours I served "Certain Underwriters at Lloyd's, London, c/o Resolute Management Services Limited", the Defendant herein, with the Summons, the Verified Complaint with Exhibit A and the Notice regarding availability of Electronic Filing, together with the Hague Convention Summary of the Document to be Served and its Attachment 'A' and the Hague Convention Notice, by handing them to and leaving them with Stephen Britt, who acknowledged himself to be Company Secretary for Resolute Management Services Limited, at 33 St Mary Axe, London, EC3A 8LL, England, being its registered office, which is a method of service in accordance with English Court rules.
3. Exhibited hereto marked "A" is a bundle containing a copy of each of the documents so served by me.
4. Service has been effected, as directed by the requesting authority, in accordance with a method prescribed by the internal law of England and Wales and thus in accordance with sub paragraph (b) of the first paragraph of article 5, Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

I believe that the facts stated in this witness statement are true

Dated: 18 March 2008

Signed:

DAVID LLEWELYN MORGAN

I hereby certify that this is a true  
copy of the original

Signature   
G H Bridgman LLB Solicitor

Date 20 March 2008

MOUND COTTON WOLLAN & GREENGRASS

COUNSELLORS AT LAW

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JAMES VEACH  
PARTNER  
(212) 804-4233  
JVeach@moundcotton.com

March 20, 2008

Via e-mail and regular mail

Carey G. Child, Esq.  
Chadbourne & Parke LLP  
1200 New Hampshire Avenue, NW  
Washington, DC 20036

Re: B.D. Cooke & Partners Limited v.  
Certain Underwriters at Lloyd's, London  
Index No. 650054/2008  
Our file no 3038.001

Dear Mr. Child:

We are waiting the affidavit of service that you mentioned on the telephone on Tuesday.

I have spoken to our clients. They advise that neither Equitas nor Resolute is authorized to accept service for Underwriters at Lloyd's.

At the same time, Underwriters want to resolve this dispute and suggest the following.  
Let us stipulate that:

1. Equitas and Resolute maintain that neither is authorized to accept service for Underwriters at Lloyd's;
2. Underwriters, nevertheless, will - without conceding that they have been properly served - accept service with the understanding that:

MOUND COTTON WOLLAN & GREENGRASS

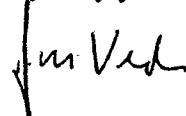
March 20, 2008  
Page 2

3. Cooke agrees to extend Underwriters' time to answer or move with respect to the Cooke action forty-five days from the date that you, as counsel for Cooke, execute this letter.

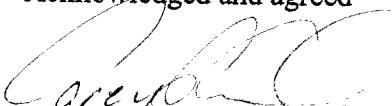
Thus, without agreeing that service has been properly effected, we, on Underwriters' behalf, will accept service. In exchange, Cooke agrees that Underwriters shall have forty- five days from the date you execute this letter to answer or move.

With respect to your application to be admitted pro hac vice, Underwriters have no objection. Nor do Underwriters object to electronic filing of pleadings and papers.

Very truly yours,



Acknowledged and agreed



Carey G. Child, Esq. (Partner)  
Chadbourne & Parke, LLP  
Counsel for B.D. Cooke  
1200 New Hampshire Avenue, NW  
Washington, DC 20036

SFP 2008 - 2113

## CERTIFICATE - ATTESTATION

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention  
 L'autorite soussignee a l'honneur d'attester conformement a l'article 6 de ladite Convention.

- 1) that the document has been served the (date):

que le demande a ete executee le (date):

**Monday 17 March 2008**

-at (place, street, number):

-a (localite, rue, numero):

**33 St Mary Axe, London, EC3A 8LL, England**

- in one of the following methods authorised by article 5:

- dans une des formes suivantes prevues a l'article 5:

a) ~~in accordance with the provisions of sub paragraph (a) of the first paragraph of article 5 of the Convention~~  
~~selon les formes legales (article 5, alinea premier, lettre a)~~

- b) in accordance with the following particular method:

selon la forme particuliere suivante:

**Personally served upon Certain Underwriters at Lloyd's, London, c/o Equitas Limited at the direction of the Senior Master of the Queen's Bench Division of the Supreme Court of England and Wales by the agent for the purpose of Graham Henry Bridgman, a Solicitor of the Supreme Court of England and Wales, by a method prescribed by the internal law of England and Wales for the service of documents in domestic actions upon persons who are within its territory**

c) ~~by delivery to the addressee, who accepted it voluntarily~~  
~~par remise simple~~

the documents referred to in the request have been delivered to:

les documents mentionnes dans la demande ont ete remis a:

- (identity and description of person):

- (identite et qualite de la personne):

**Stephen Britt**

- relationship to the addressee (family, business or other):

- liens de parente de subordination ou autres avec le destinataire de l'acte:

**Company Secretary of Equitas Limited**

- 2) that the document has not been served, by reason of the following facts:

~~que la demande n'a pas ete executee, en raison des faits suivants:~~

~~in conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay the expenses detailed in the attached statement~~

~~conformement a l'article 12, alinea 2 de ladite Convention, le requerant est prie de payer ou de rembourser les frais dont le detail figure au memoire ci joint~~

Annexes

Documents returned

Pieces renvoyees

in appropriate cases, documents establishing the service  
 le cas echeant, les documents justificatifs de l'execution

Done at London

Fait a

the (date): \_\_\_\_\_  
 le:

*8th April 2008*



Signature and/or stamp:

Signature et/ou cachet:

SFP 2008 - 2112

## CERTIFICATE - ATTESTATION

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention  
 L'autorite soussignee a l'honneur d'attester conformement a l'article 6 de ladite Convention.

- 1) that the document has been served the (date):

que le demande a ete executee le (date):

**Monday 17 March 2008**

-at (place, street, number):

-a (localite, rue, numero):

**33 St Mary Axe, London, EC3A 8LL, England**

- in one of the following methods authorised by article 5:

- dans une des formes suivantes prevues a l'article 5:

a) ~~in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention  
 selon les formes legales (article 5, alinea premier, lettre a)~~

- b) in accordance with the following particular method:

selon la forme particuliere suivante:

**Personally served upon Certain Underwriters at Lloyd's, London c/o Resolute Management Services Limited at the direction of the Senior Master of the Queen's Bench Division of the Supreme Court of England and Wales by the agent for the purpose of Graham Henry Bridgman, a Solicitor of the Supreme Court of England and Wales, by a method prescribed by the internal law of England and Wales for the service of documents in domestic actions upon persons who are within its territory**

c) ~~by delivery to the addressee, who accepted it voluntarily  
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the documents referred to in the request have been delivered to:  
 les documents mentionnes dans la demande ont ete remis a:

- (identity and description of person):

- (identite et qualite de la personne):

**Stephen Britt**

- relationship to the addressee (family, business or other):

- liens de parente de subordination ou autres avec le destinataire de l'acte:

**Company Secretary of Resolute Management Services Limited**

- 2) that the document has not been served, by reason of the following facts:

que la demande n'a pas ete executee, en raison des faits suivants:

~~in conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay the expenses detailed in the attached statement~~

~~conformement a l'article 12, alinea 2 de ladite Convention, le requerant est prie de payer ou de rembourser les frais dont le detail figure au memoire ci joint~~

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Documents returned

Pieces renvoyees

in appropriate cases, documents establishing the service

le cas echeant, les documents justificatifs de l'execution

Done at **London**

Fait a

the (date): 8th April 2008  
 le:

  
 Signature and/or stamp:  
 Signature et/ou cachet: